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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,774	07/02/2003	Richard Jedrzejewski	RJJ-P-03-001	5015
29013	7590	12/15/2005	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647			SLACK, NAOKO N	
			ART UNIT	PAPER NUMBER
			3635	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,774

Applicant(s)

JEDRZEJEWSKI, RICHARD

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's Amendment to the claims received September 27, 2005 has been entered and considered. Drawings have been approved. Claim 6 has been canceled as requested. Applicant's remarks regarding prior art to Miller are moot in view of newly applied prior art necessitated by amendment.

Claims 1-5, 7-20 are pending.

### ***Claim Rejections - 35 USC 102(e)***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 7, 9-10, 14, 16, 18, 20 are rejected under 35 USC 102(e) as being clearly anticipated by Japanese Patent JP405033510A to Hashiba et al.

#### **Claim 1:**

Hashiba et al. discloses a building comprising plurality of walls (10, Figure 2) that connect to define a room wherein the plurality of walls connect to form an interior wherein each of the plurality of walls has a body wherein the body is defined by a length and a width wherein the length is defined between a first end and a second end and the

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width is defined between third end and a fourth end wherein a section of each of the plurality of walls at the first end, the second end, the third end, and the fourth end extends a first distance into the interior of the room and further wherein the section of the first end further extends a second distance parallel to the length of each of the plurality of walls; and

a plurality roof panels (20, Figure 2) that connect at least one of the plurality of walls to define a ceiling for the room wherein each of the plurality of roof panels has a body defined by a length and a width wherein the length is defined between a first end and a second end and the width is defined between a third end and a fourth end wherein the body of each of the plurality of roof panels is formed by a single layer (21) and further wherein a section (35) of each of the plurality of roof panels at the first end extends into the interior of the room and further extends parallel to the body of each of the plurality of roof panels and further wherein the section of one the plurality of walls is attached (via rivets 91, Figure 2) to the section of one the plurality of roof panels wherein the plurality of walls and the plurality of roof panels attach to define the room and further wherein the single layer of the body of each of the plurality of roof panels separates the interior of the room from an exterior of the room.

The statement that the body of each roof panel is "formed by a single layer" comprises a method step and does not preclude the attachment of other sections made integral with the single layer to form the roof panel. The body of the roof panel is formed by a single layer and a section at the first end (end channel 35) is made integral with the single layer by rivets (91).

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Claim 2:

Hashiba et al. discloses a fastener (91, Figure 2) attaching one of the plurality of walls to one of the plurality of roof panels.

Claim 3:

Hashiba et al. discloses that the length of one of the plurality of roof panels is equal to twice the width of one of the plurality of walls, as best seen in Figure 4 in the near corner where the length of the roof section adjacent the skylight is equal to twice the width of the wall panels.

Claim 7:

Hashiba et al. discloses a hole for a rivet (91, Figure 2) formed within the section of the first end of one of the plurality of walls extending into the interior the room.

Claim 9:

Hashiba et al.'s walls are constructed from metal (steel, paragraph 21):

Claim 10:

Hashiba et al. discloses a building system comprising a plurality of wall panels (10) defining a room wherein each of the plurality of wall panels is defined by a body (11) having a length defined between first end and second end and further wherein a section (30) is integrally formed (via rivets 31) with each of the plurality of wall panels at the first end and extends a first distance perpendicular to the body of each of the plurality of wall panels and further extends a second distance (32) toward the second end of each of the plurality of wall panels;

a roof panel (20) contacting the plurality of wall panels at the first

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end of each of the plurality of wall panels to provide a ceiling for the room wherein the roof panel is defined by a body (21) having a length defined between first end and second end wherein a section (35) is integrally formed (via rivets 31) with the roof panel at the first end of the roof panel and extends the first distance perpendicular to the body of the roof panel and further extends the second distance toward the second end of the roof panel; and

a fastener (91) attaching one of the plurality the wall panels to the roof panel wherein the section of the one of the plurality of wall panels extending perpendicular to the body of the one of the plurality of wall panels is attached to the section of the roof panel extending toward the second end of the roof panel.

Claim 14:

Hashiba et al. discloses a door positioned adjacent one the plurality of wall panels (see open door, Figure 4).

Claims 16 and 20:

Hashiba et al. discloses door hinges for permitting the door to rotate and provide access between the inside and outside of the building. The hinge is connected between the door and the adjacent wall panel.

Claim 18:

Hashiba et al. discloses a method for assembling a building, the method comprising the steps of providing a plurality of walls (10) defining a room having an interior wherein each of the walls has a perimeter defining a plane between four edges wherein a first portion (12) of each of the plurality of walls at each of the four

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edges extends into the interior of the room and abuts a second portion (13 and 32) of each of the plurality of walls which extends parallel to the plane of each of the plurality of walls;

providing a roof panel (20) defining a ceiling for the room wherein the roof panel has a length defined between a first end and a second end wherein a first section (22) of the roof panel at the first end extends into the interior of the room and abuts a second section of the roof panel wherein the second section (23) of the roof panel extends toward the second end;

and fastening (91) the first portion of one of the plurality of walls to the second section of the roof panel.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Japanese Patent JP405033510A to Hashiba et al.

Claims 8, 12, 13:

While Hashiba et al.'s wall and roof panels are connected by rivets (91), Hashiba et al. does not specify that the apertures are slots. However, slotted apertures are very

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well known in the building arts. One of ordinary skill in the art would know the benefits of using slotted apertures in place of rivets in that slotted apertures permit slight variance in aligning apertures of adjacent members and thereby facilitate assembly. Therefore, one of ordinary skill in the art at the time the invention was made would be motivated to use slotted apertures to facilitate assembly and disassembly of Hashiba et al.'s building, who is motivated to simplify assembly (as stated in the abstract purpose).

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Japanese Patent JP405033510A to Hashiba et al. in view of US Patent 3,734,552 to Haxton.

Claim 15:

While Hashiba et al. teaches a typical door handle attached inwardly of the door edge, Hashiba et al. does not disclose a handle attached to the door edge and wall; however, such a latching arrangement is well known in the art. Haxton shows a door latching device wherein one part of the latching arrangement is attached to the door edge and the other is attached to the adjacent wall panel (Figure 1). In view of Haxton, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Haxton's latching arrangement, as Haxton states that the latching portions are readily installed within the clearance space of a conventional door gap and sufficiently strong for security (column 1, lines 26-31), and Hashiba et al. is concerned with facilitating assembly (abstract purpose).

Claims 4, 11, and 19 are rejected under 35 USC 103(a) as being unpatentable



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over Japanese Patent JP405033510A to Hashiba et al. as applied to claims 1 and 10 and further in view of US Patent 4,068,421 to Marovich.

Claims 4, 11, and 19:

While Hashiba et al. does not disclose a post to support the roof panels, Marovich teaches a central pole (22) attached to the roof panel to stiffen the structure (column 4, lines 26-27). In view of Marovich, it would have been obvious to one of ordinary skill in the art at the time the invention was made to support the roof panel at the center of the building to improve the structural integrity of the building, as the center of the roof is the weakest point of the roof.

Claims 5 and 17 are rejected under 35 USC 103(a) as being unpatentable over Japanese Patent JP405033510A to Hashiba et al. as applied to claims 1 and 10 and further in view of Japanese Patent 2002-146913 to Kwarazaki.

Claims 5 and 17:

While Hashiba et al. does not disclose a brace attached to one of the plurality of wall panels and the roof panel, braces are well known in the building art for increasing the stiffness and strength of a structure. Kwarazaki discloses removable braces (30) between wall and ceiling panels to firmly support a ceiling panel during construction of the building. In view of Kwarazaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use braces in Hashiba et al.'s building, between the walls and roof panels for added structural support while the structure is assembled.

***FINAL***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (571) 272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naoko Slack  
Primary Examiner  
Art Unit 3635

NS  
November 30, 2005